

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2016-356-T - ORDER NO. 2022-135

March 4, 2022

IN RE:	Application of MYRIDE SC, LLC (f/k/a S & W Investments, Incorporated d/b/a S & W Transport) for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier)	ORDER GRANTING RECONSIDERATION RESCINDING PRIOR ORDER AND REQUESTING INVESTIGATION
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I. INTRODUCTION

This matter comes before the Commission on the filing of a Letter of Protest and an Order from the Horry County Court of Common Pleas from Maria Walker, who asserts that she is a 50% owner in the Company, S & W Investments, Inc. d/b/a S & W Transport (“S & W” or “the Company”). Ms. Walker points out that the Court Order judicially dissolved S & W as a corporation as of December 31, 2021, with the only remaining matter being a “winding up” of the business of the corporation. Ms. Walker further notes that a request for a name change was filed with the Commission by another shareholder, which she believes is improper because of the Order to close the business.

II. ANALYSIS

A review of the Commission’s Docket Management System reveals a request for a name change from S & W to MyRide SC, LLC dated January 18, 2022, filed by an individual who indicated that he was the President of S & W. In reliance on this document, the Commission issued an Order Approving Name Change and Amending Certificate on

January 27, 2022, which approved the name change request as filed. This Order was issued as Commission Order No. 2022-63.

On February 9, 2022, the Commission received Ms. Walker's Letter of Protest and a Consent Order from the Horry County Court of Common Pleas, dated November 17, 2021, which indicated dissolution of S & W as a corporation on December 31, 2022. The terms of the Order required that other shareholders "wind up" the affairs of S & W, as the result of the judicial dissolution of the corporation.

This Commission hereby takes judicial notice of the November 17, 2021 Consent Order from the Horry County Court of Common Pleas, which judicially dissolved S & W as a corporation as of December 31, 2021. We believe that the Protest Letter from Ms. Walker, along with the November 17, 2021 Consent Order should together be construed as a timely Petition for Reconsideration of Commission Order No. 2022-63, which is the Order approving the name change. S.C. Code Ann. Reg. 103-854.

On Reconsideration, the request for a name change on behalf of the Company was received by the Commission on January 18, 2022, and we note that the request was received after the Company's judicial dissolution. The request for a name change, therefore, appears to be void, and of no force and effect. Consequently, Commission Order No. 2022-63 should be rescinded, and accordingly, so should the name change approved in that Order. The name on the existing Class C (Non-Emergency) Certificate No. 9202-A should therefore revert to S & W Investment, Inc. d/b/a S & W Transport.

Because of the issues that have arisen in this case with regard to the Company and the Certificate as described in this Order, the Commission believes that this matter should

be referred to the Office of Regulatory Staff for investigation, with a request that that Agency investigate these matters and report back to the Commission with any findings.

III. FINDINGS OF FACT

1. A request for a name change from S & W to MyRide SC, LLC was received on January 18, 2022 from an individual indicating that he was the President of the Company.

2. In reliance on this Request, the Commission issued Order No. 2022-63 granting the Request on January 27, 2022.

3. On February 9, 2022, the Commission received the Letter of Protest from Maria Walker and a Consent Order from the Horry County Court of Common Pleas, dated November 17, 2021, which indicated dissolution of S & W as a corporation on December 31, 2022.

IV. CONCLUSIONS OF LAW

1. The Commission takes judicial notice of the Order dissolving S & W, dated November 17, 2021, from the Horry County Court of Common Pleas.

2. The Protest Letter from Ms. Walker, along with the November 17, 2021 Consent Order, should together be construed as a timely Petition for Reconsideration of Commission Order No. 2022-63, which is the Order approving the name change. S.C. Code Ann. Reg. 103-854.

3. Reconsidering Order No. 2022-63, the request for a name change on behalf of the Company was received by the Commission on January 18, 2022, and the request was received after the Company's judicial dissolution. The request for a name change of the Company is void, and of no force and effect.

4. Commission Order No. 2022-63 should therefore be rescinded, as should the name change granted by the Order.

5. The Company name on Certificate No. 9202-A should revert to S & W Investments, Inc. d/b/a S & W Transport.

6. The matters described should be referred to the Office of Regulatory Staff with a request that it conduct an investigate and report back to the Commission with any findings.

V. ORDERING PARAGRAPHS

IT IS THEREFORE ORDERED:

1. The Commission takes judicial notice of the Order dissolving S & W, dated November 17, 2021, from the Horry County Court of Common Pleas.

2. The Protest Letter from Ms. Walker, along with the November 17, 2021 Consent Order, shall together be construed as a timely Petition for Reconsideration of Commission Order No. 2022-63, which is the Order approving the name change. S.C. Code Ann. Reg. 103-854.

3. The request for a name change of the Company is void and of no force and effect.

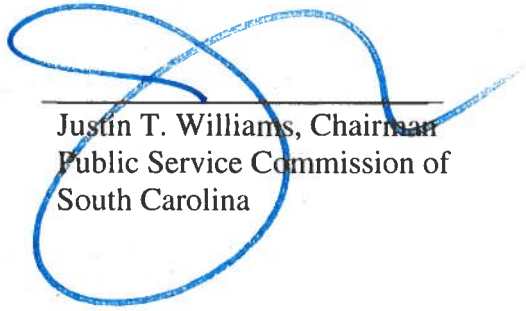
4. Commission Order No. 2022-63 is rescinded, as is the name change granted in the Order.

5. The Company name on Certificate No. 9202-A shall revert to S & W Investments, Inc. d/b/a S & W Transport.

6. The matters described in this Order are hereby referred to the Office of Regulatory Staff. The Commission requests that the Office of Regulatory Staff conduct an investigation into these matters and report back to the Commission with any findings.

7. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina